



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



389008

JUN 08 2011

REPLY TO THE ATTENTION OF:  
SE-5J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Bedford Anodizing Realty Co., Inc.  
Attn.: Mr. Thomas E. DeWeese, Registered Agent  
7860 Empire Parkway  
Macedonia, OH 44056-2144

Bedford Anodizing Co.  
Attn.: Mr. Thomas E. DeWeese, President/Owner  
7860 Empire Parkway  
Macedonia, OH 44056-2144

Mr. Thomas E. DeWeese  
c/o 7860 Empire Parkway  
Macedonia, OH 44056-2144

RE: Bedford Anodizing Co. Site, Macedonia, Summit County, Ohio (Site ID: C518)  
General Notice of Potential Liability

Dear Sir:

The United States Environmental Protection Agency has documented the release or threat of release of hazardous substances and/or pollutants or contaminants into the environment from the Bedford Anodizing Co. Site at 7860 Empire Parkway in Macedonia, Summit County, Ohio (the Site). EPA currently is spending public funds in conjunction with an emergency removal to address these releases. EPA is planning to spend additional public funds to control and investigate these releases. This action will be taken by EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601 *et seq.* (CERCLA), unless EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the Site, and persons who generated the hazardous substances or were involved in the transport, treatment, or disposal of the hazardous substances at the Site. As Mr. Steve Wolfe, On-Scene Coordinator (OSC), informed Mr. Thomas DeWeese verbally on or

about March 21 and 31, 2011, and as Mr. Gary Steinbauer from EPA's Office of Regional Counsel informed Mr. Joseph P. Koncelik, your counsel (Counsel), in an email sent on April 8, 2011, under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), where EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the Site, including investigation, planning, and enforcement costs. (See Attachment A for email chain.)

Mr. Steinbauer's April 8 email informed Counsel that the material released from the facility operated by Bedford Anodizing Co. (Bedford Anodizing) and owned by Bedford Anodizing Realty Co., Inc. (Bedford Realty) (collectively Bedford) contained hazardous substances. In Mr. Steinbauer's April 8 email, he also informed Counsel that if Bedford did not perform the cleanup at the Site, EPA would consider using its statutory authorities under CERCLA to address Bedford's release. In Counsel's response to Mr. Steinbauer's April 8 email, he stated that Bedford was seeking insurance coverage in an attempt to implement a cleanup at the Site. To date, and despite several requests by OSC Steve Wolfe to Mr. DeWeese, we have not been informed as to whether Bedford was or was not able to obtain insurance coverage for the cost of the cleanup at the Site. (See Attachment B.)

Because EPA has not heard from Counsel or Mr. DeWeese regarding Bedford's potential insurance coverage to implement the cleanup, EPA has conducted and is planning to continue conducting the following actions at the Site:

1. Develop and implement a Site Health and Safety Plan and Site Security Plan;
2. Construct access routes to the affected creeks and remove the material from the creeks;
3. Re-route drainage water and creek;
4. Characterize, and properly dispose of the released material;
5. Decontaminate heavy equipment as necessary, and appropriately dispose of decon water.
6. Post Removal Site Controls - The removal action will be conducted in a manner not inconsistent with the National Contingency Plan (NCP). The OSC has initiated planning for provision of post-removal Site control consistent with the provisions of Section 300.415(l) of the NCP. Elimination of all threats presented by hazardous substances and/or pollutants or contaminants in the buildings is, however, expected to minimize the need for post-removal Site control.
7. Off-Site Rule - All hazardous substances and/or pollutants or contaminants removed off-site pursuant to this removal action for treatment, storage, and disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by EPA, with the EPA Off-Site Rule, 40 C.F.R. § 300.440.

EPA has received information that Bedford Anodizing Co., Bedford Anodizing Realty Co., and Mr. DeWeese (collectively the Potentially Responsible Parties or PRPs) may have owned or operated the Site or generated or transported hazardous substances that were disposed of at the Site. By this letter, EPA notifies you of the PRPs' potential liability with regard to this matter and encourages the PRPs to agree to reimburse EPA for costs incurred to date and to voluntarily perform or finance the response activities that EPA has determined or will determine are required at the Site. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which you would perform or finance response activities and reimburse EPA for its costs. If Bedford Anodizing Co. and Bedford Realty Co., Inc. are qualified small businesses, please refer to Attachment C, a U.S.EPA Small Business Regulatory Enforcement Fairness Act information sheet, which may be helpful if they are subject to an EPA enforcement action.

Because of the conditions present at the Site, and because the PRPs did not commit to performing the cleanup work in an appropriate timeframe, EPA initiated response activities at the Site as quickly as possible and is in the process of completing an emergency removal at the Site. Therefore, EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, you should notify EPA in writing within seven (7) days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse EPA for its costs. Your response should be sent to:

U.S. EPA - Region 5  
Attn.: Sally Jansen, Enforcement Specialist  
Enforcement Services Section #1  
77 West Jackson Boulevard, SE-5J  
Chicago, IL 60604-3590

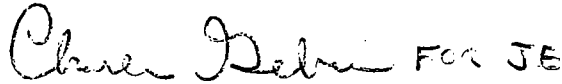
If EPA does not receive a timely response, EPA will assume that the PRPs do not wish to negotiate a resolution of their potential responsibility in connection with the Site and that the PRPs decline any involvement in performing and reimbursing EPA for the response activities. The list of PRPs being sent this letter is in Attachment D.

Your response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in a voluntary cleanup action, or involved in a lawsuit regarding this Site, you should continue such activities as you see fit. This letter is not intended to advise you or direct you to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Gary Steinbauer of the EPA Office of Regional Counsel at (312) 886-4306.

Due to the nature of the problem at this facility and the attendant legal ramifications, EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jason El-Zein", followed by the typed text "FOR JE".

Jason El-Zein, Chief  
Emergency Response Branch #1

Enclosures

cc: Jos. P. Koncelik, Esq., Frantz Ward LLP, 2500 Key Center, 127 Public Square, Cleveland,  
Ohio 44114

ENCLOSURES REDACTED

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION